

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 05/12/2016.

The meeting was held in the Grantsville City Council Chambers at 429 E. Main Street in Grantsville, Utah. Those present were Commission Chairman Robbie Palmer, Commission Members Gary Pinkham, Jaime Topham, and Erik Stromberg, Council Liaison Member Neil Critchlow, Attorney Joel K. Linares, and Zoning Administrator Jennifer Williams. Absent was Commission Member Colleen Brunson. Also present was Chance Anderson, Jeff Anderson, Cheryl Johnson, Eldon Reeder, Margaret Reeder, Cody Reeder, Lynette Sherman, Mike Sherman, Marilyn Jensen, Adam Nash, Mike Nelson, Doug Kinsman, Kirk Young, and Kent Liddiard with the Grantsville Fire Department.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

- a. Proposed amendment to the Land Use Management and Development Code amending the use table in Chapter 16 regulating the allowed development of on-site power generation in each zone.** The public hearing was opened by Chairman Palmer at 7:03 p.m. and he called for comments. With no comments being offered, Chairman Palmer closed the public hearing at 7:04 p.m.
- b. Proposed rezoning of 160 acres of land at 1851 North SR138 for Sharkol Inc. to go from a MG zone to a MG-EX zone.** The public hearing was opened by Chairman Palmer at 7:04 p.m. and he called for comments. With no comments being offered, Chairman Palmer closed the public hearing at 7:04 p.m.
- c. Proposed conditional use permit for Sharkol Inc. to conduct a sand and gravel excavation business on 119.34 acres located at 1831 North SR 138 in the MD-EX zone.** The public hearing was opened by Chairman Palmer at 7:04 p.m. and he called for comments.

Eldon Reeder stated he lives northwest of Grantsville, above the ground where Sharkol plans on putting their gravel pit. The right-of-way they plan on using is his driveway. This access has been his family's possession for over 50 years. Sharkol has forced entry and has started digging holes above the proposed conditional use permit ground. They need to get back down where they are suppose to be. He proposes that they go in a different way for safety reasons. They need to go in down by Seabase where they have a historical access and there is already a gravel pit there. They owners haven't been using the road for ten years because he has had it locked. He would prefer they didn't use the road, but if they do, he would like to have a deeded access. He talked to the State. They told him he has a historical right-of-way as they have been using it since before 1967, when the State acquired the land. The land owners would not because he has had the gate locked. If they do use his right-of-way, he would like them to make it a better road. He should be held harmless for any damages. He wants to be able to use the right-of-way, like he does now. It is good that they are going to

make the ground better. They are going to go in, take off the top, crush the gravel, and put some topsoil back down. He would like to not see great big open pits where he has to go in and out of the canyon. He doesn't want them digging right up in the mouth of the canyon.. He needs them to back down off of the mining claim that he has up there and stay down on Johnson's land.

Cheryl Johnson represented her husband, Neil and the Johnsons, who own the property in question. It is the State's gate. It has been locked from anyone getting access to the property. They have allowed them to cross the property without having a legal right-of-way. The road is there and is accessible to anyone who wants to use it to get to their property. No one is planning to block anyone off unless something else comes up and there is an issue. They just want access to the property and for some reason it keeps getting locked. She does not see the need to lock a gate that belongs to neither them nor the Reeder's. At this time, the Reeder's and the cows are the only things that go in and out of there. The test holes were dug on Johnson property. They can do what they want with their land. They are not here to disprove anyone from having access to the land.

Eldon Reeder stated the gate is his, he purchased it. He also purchased the lock that has been there for 10 years. They have removed his chain several times lately. Eldon Reeder showed pictures of his school bus stop sign that he put up when he was 12 years old. He stated the road has got material off of his property. All the maintenance that has been done on it is his maintenance. He has done it with pick and shovel. He has done it with tractors and dump trucks. The Johnsons have never put one dime of maintenance into the road. He asked Skip Johnson to sign legal access for him so he could record it with the County. He stated that Skip asked him what the hurry was. He stated they have a residence within less than a mile of the proposed site.

With no further comments being offered, Chairman Palmer closed the public hearing at 7:13 p.m.

- d. Proposed concept plan for Harold and Jill Van Dyken and Adam Nash on the Mustang Ridge Subdivision at 650 East Main Street for the creation of twenty-four (24) lots in the RM-7 and R-1-12 zones.** The public hearing was opened by Chairman Palmer at 7:13 p.m. and he called for comments.

Arlen Coates stated he lives just east of the property in question. Right now it is really nice because they just have a hayfield right there. Now, they will end up with 10 to 12 homes up against their property. He would like to see some type of privacy fence put up so he doesn't have everybody's backyard in his business. He would like to keep his animal rights.

Attorney Linares stated if they have their permit legally, then they are vested, and won't lose their animal rights.

Cheryl Johnson stated she lives at 650 East Main, which is the address of the property that is being developed. She lives approximately 900 feet off of Main Street. She wants to make sure the right-of-way for her driveway gets addressed. She wants the plan to show that her right-of-way won't go away unless something else is provided.

With no further comments being offered, Chairman Palmer closed the public hearing at 7:16 p.m.

THE MEETING WAS OFFICIALLY CALLED TO ORDER BY CHAIRMAN, ROBBIE PALMER, AT 7:16 P.M.

- 1. Consideration of amendment to the Land Use Management and Development Code amending the use table in Chapter 16 regulating the allowed development of on-site power generation in each zone.** Attorney Linares presented his draft of an ordinance to amend on-site power generation regulations in each zone of Chapter 16 use table and he stated to the Commission:

Maverik wants to install solar panels on top of their bays that cover the gas pumps. When they started to pull the information from the tables provided, they realized that solar panels aren't allowed in any of the commercial or manufacturing zones. It is something that needs to be review. They do want to make it so some zones have the ability to have some solar. Whether it is conditional or permitted would be their decision and would be finalized by the Council. It seems out of line to him that Maverik can't put solar panels up. They will be out of sight and completely contained. He drafted the proposal showing permitted in each zone to show that currently nothing is allowed except in the EX-MG zone.

Jaime Topham asked if is permitted, what is the process.

Attorney Linares stated they would present their plans through the building permit process only. If it was CA, then Jennifer would have the authority to approve it. If it was C or conditional, then the Commission makes the determination. And the dash (-), indicates that it is not allowed.

Erik Stromberg stated he can see the need for different sizes on the solar. They can go from a few kilowatts, which no one would see, to thousands. If they break it out, they will have the ability to permit the smaller size and conditional the larger size.

Attorney Linares stated it is definitely something they should look at especially in the residential zones. He agrees that just the blanket solar permit in all zones is a wide brush. He will do some research to break it down more.

Gary Pinkham stated a few years ago they were trying to make everything conditional so it can be discussed. They need to have some mechanism that allows people to do this, if they choose. Some needs to be conditional instead of it all open permit.

Attorney Linares stated he is not advocating that it all be permitted. The proposal shows the gap between where they are and where they could be. They are not anywhere near the middle. Currently, they are all the way to no.

Jaime Topham stated she would like to look at the different sizes. Perhaps under a certain size it could just be permitted, so they don't have to jump through a whole bunch of hoops to get it approved.

Jennifer Williams stated Mike would like to break down the wind also.

Erik Stromberg stated it would be nice if they had information on what the different sizes looked like.

Gary Pinkham moved to table the amendment to the Land Use Management and Development Code amending the use table in Chapter 16 regulating the allowed development of on-site power generation in each zone. Jaime Topham seconded the motion. The voting was unanimous in the affirmative and the motion carried.

2. Consideration of a rezone of 160 acres of land at 1851 North SR138 for Sharkol Inc. to go from a MG zone to a MG-EX zone. Chance Anderson represented this item for Sharkol Inc.

Jaime stated she will be abstaining from this discussion and voting.

Chance Anderson stated, at the time they feel it necessary, they will apply for the conditional use permit. They just want it to be zoned to have that ability.

Erik Stromberg moved to approve the rezone of 160 acres of land at 1851 North SR138 for Sharkol Inc. to go from a MG zone to a MG-EX zone. Gary Pinkham seconded the motion. Chairman Palmer called for a roll call vote. The vote was as follows:

Erik Stromberg:	In Favor
Robbie Palmer:	In Favor
Gary Pinkham:	In Favor
Jaime Topham:	Abstained

The motion carried. The application will go forward to City Council with a recommendation for approval.

3. Consideration of a C.U.P. for Sharkol Inc. to conduct a sand and gravel excavation business on 119.34 acres located at 1831 North SR 138 in the MD-EX zone. Chance Anderson represented this item for Sharkol Inc.

Jaime stated she will be abstaining from this discussion and voting.

Robbie Palmer asked if they received the memo from Aqua.

Chance Anderson stated they have.

Robbie Palmer stated the memo talked about bonding, contours, and the reclamation plan and costs.

Chance Anderson stated they are looking for an approval with the condition that they meet these conditions. Because for instance, number three regarding the site plan, the engineer is currently working on getting that information. For the bonding, by the time it gets approved and the condition be that the bond has to be in place, they will have the certificate or something like that, or they will provide us with a \$10,000 cashier's check. Everything should be ready by the City Council meeting.

Robbie Palmer stated there are a lot of items needed. Tabling this item, to be able to get everything in place, may be for the best.

Chance Anderson stated that everything should be ready to go and the items should be met by the City Council meeting. He could, most likely, have the cost estimates, the reclamation plan, and the bonding by tomorrow. In regards to the site plan, he is at the mercy of the engineer. The site plan could take until tomorrow or the beginning of next week, but well ahead of the City Council meeting. Maybe one of the conditions could be that he gets all this in before that meeting.

Erik Stromberg stated it is hard to make a recommendation not having a site plan. It would be in their best interest to table this and allow them to gather everything needed because the other option would be a denial from not having an accurate site plan.

Erik Stromberg moved to table the conditional use permit for Sharkol Inc. to conduct a sand and gravel excavation business on 119.34 acres of land located at 1831 North SR 138 in the MD-EX zone pending a complete application that can be reviewed.

Gary Pinkham stated he feels the same way. A reclamation plan is something they would like to look at. They don't want a pit opened without knowing where it's going. The other thing is the easement and access issues. Are they going across State land or someone else's land? Is there an easement? Their plans don't show anything with regards to access. It doesn't show an easement, doesn't give us any dimensions.

Chance Anderson stated they will be going across SITLA land and they are working on an agreement.

Gary Pinkham stated there are a lot of issues here that need to be resolved prior to a recommendation. A reclamation plan is more than contour drawings. Where are they going to put there strippings? How are they going to manage water? How are they

going to prevent erosions, dust control, etc? And ultimately, when they decide to abandon the pit, how do they reclaim the pit? None of that is shown here.

Robbie Palmer stated in the past they have added conditions to things they have been able to see but they don't have anything to go off here.

Jeff Anderson with Sharkol, Inc. stated the plans show they are maintaining the same flows as are already there. They are not changing the direction of the water. From the top of the property, to the bottom of the property, it drops 350 feet in elevation. They are not changing any flows. They would cover that on their storm water pollution permits. On the pits, basically, they are going to take the property lines on a 3:1 and then put the top soil on the top. As they go through and do their reclamation, it will be done in the same process as the dig. They are not digging a big hole and putting anything back. They are actually leveling the ground as they go back for use later and it is just 3 to 1. There are notes on the site plan that talk about how it will be done.

Robbie Palmer seconded the motion to table this item. Chairman Palmer called for a roll call vote. The vote was as follows:

Erik Stromberg:	In Favor
Robbie Palmer:	In Favor
Gary Pinkham:	In Favor
Jaime Topham:	Abstained

The motion carried. The application will be tabled.

- 4. Consideration of a concept plan for Harold and Jill Van Dyken and Adam Nash on the Mustang Ridge Subdivision at 650 East Main Street for the creation of twenty-four (24) lots in the RM-7 and R-1-12 zones.** Adam Nash represented this item for himself and Harold and Jill Van Dyken.

Jaime stated she will be abstaining from this discussion and the voting.

Adam Nash stated Ms. Johnson has a recorded right-of-way that covers the east 15 feet of the property. It is specifically for ingress, egress, and utilities. It would be maintained until such time as they could substitute it with a new public road. It is an easement which could go across the lots, but they are going to relocate it when they develop. They will give them a fully, improved public road to their property, in lieu of the 15 foot easement, for their driveway.

Jennifer Williams stated they are not showing the right-of-way on the concept plan.

Adam Nash stated they only just found the record. They did it as a quit claim deed. It is a different way to file it, so the title company didn't pick it up. But they were

aware of it because Van Dyken told them about the agreement. It is 15 feet and is the full length of the property.

Adam Nash asked Attorney Linares if it was their responsibility to put a fence up between single family residential and agricultural.

Attorney Linares stated that is usually commercial driven.

Adam Nash stated he is sure they will be doing fencing. At the concept stage, they do not have any specific plans. They will work with the surrounding homeowners as it will benefit both parties. They will put it on the recorded plat that those people have animal rights and so it is a public record.

Attorney Linares stated the animals there are only vested and have a right to be there if they are legal. If someone has five head of cattle on a quarter acre and someone moves in next door and doesn't like the five head of cattle and the owner of the animals never had a conditional use permit and, therefore, the animals are there illegally, then the animal owner doesn't have a vested right to keep those five cattle there. The animals must be compliant to begin with. He stated the plat does not show an easement along the east line. So they must make it a part of the motion that it be a requirement that that house have access. The road runs right down the side of it, so it shouldn't be an issue.

Adam Nash stated the road that shows to the west does not have an easement. That will be removed. The Johnson's would like to take the actual physical road. They would like to have this project approved and ready to go this fall. They plan on doing a public sewer system, culinary water as well as Grantsville Irrigation water. They do have culinary water and the shares for their water plan. The building schedule will be a single phase. It is shown as two phases. But in working with Craig and Jennifer, it will be done as one phase. The multi-family dwellings will need a conditional use permit and site plan approval. The single family dwellings will need a building permit and site plan approval. They are creating three lots in the RM-7 zone. One is the existing home and the garage. The rest is in the R-1-12 zone. They plan to keep the existing home and garage. There is some question about the home itself because it is old and somewhat obsolete in the layout but it is certainly a nice looking home. They will keep the garage no matter what but they could remove the house and have a new one constructed as they do the subdivision.

Erik Stromberg stated that they show the road going west with the potential of continuing. It doesn't seem like that would be a viable option. The memo mentions doing a cul-de-sac. Part of the concern would be, is there room to continue it with the existing buildings. Do we really need another east/west road that far off of Main Street?

Adam Nash stated they will look at it, but it is viable. There is a lot of property through this area. They do not want to do cul-de-sacs at all through their

subdivisions. There is a natural break in zoning there. The front is RM-7 and to the south is R-1-12. That is a good reason to put the road there.

Jennifer Williams stated the two lots on the west won't get developed until there is no longer a need for a temporary turnaround. Do you want a temporary turnaround on the east/west road for twenty years?

Adam Nash stated he can move his entrance road over. They can deal with it in specific engineering. He doesn't have his sewer and water designed yet either. They are only approving the maximum use of the property at this point. As long as they fit the ordinance he doesn't understand the issue.

Attorney Linares stated the ordinance states if the extension of the east/west road is not deemed feasible it should be terminated as a cul-de-sac as it cannot extend past the 650 foot requirement. So if the Planning Commission, under the ordinance, determines that the road is not feasible to go over to Matthews Lane then it needs to be closed off.

Adam Nash agrees. He stated they can make that determination then they will figure out options or they can cul-de-sac it, but he doesn't want to.

Kent Liddiard stated they are going to have to cul-de-sac it per the fire code because they are over 650 feet going down that street. They do not own the property next to it. It is not feasible as there is a house and buildings there.

Adam Nash stated the master plan of the City shows roads going through all the vacant property.

Gary Pinkham stated until which time the roads are constructed they have to, at the minimum, have temporary turnarounds. The temporary turnarounds will set on their property, which will preclude them from developing and marketing Lots 119 and 118 and 110 and 109. But for the time being, they have to have cul-de-sacs, even if they are temporary in nature, to accommodate the fire code.

Attorney Linares stated those lots would provide for temporary turnarounds until such time that they acquire the vacant property and continued the road.

Adam Nash stated that is fine. They were never opposed to that. At this point and knowing all this, they will probably just flip flop the whole plan. Then the entrance will be on the west side of the house. Then the only temporary turnaround will be at the far south end. He has plans for that to go through.

Attorney Linares stated the far south end temporary turnaround is not an issue as the land next to it is in negotiations as part of this development.

Kent Liddiard stated the two end lots will have to incorporate their temporary turnaround until they can acquire the property to the south.

Erik Stromberg moved to approve the concept plan for Harold and Jill Van Dyken and Adam Nash on the Mustang Ridge Subdivision at 650 East Main Street for the creation of twenty-four (24) lots in the RM-7 and R-1-12 zones contingent upon the required items per the Aqua Memo being corrected, adding lots 119 and 118 as well as 109 and 110 not be buildable until extension is made as they will be temporary turnarounds, and adding the right-of-way for the Johnson family. Gary Pinkham seconded the motion. Jaime abstained from voting. The voting was unanimous in the affirmative and the motion carried.

5. Consideration of a preliminary plat on nineteen (19) lots of the Carriage Crossing Subdivision Phase 3 and 4 for Carriage Crossing Grantsville, LLC.

Kirk Young represented this item for Carriage Crossing Grantsville, LLC and he stated to the Commission:

He has his engineer here if they have any questions. It is fairly straight forward. It went through engineering a few times with the red lines but it is now where the engineers want it.

Jennifer Williams stated all the red lines have been corrected. They will move forward with just the final plat on Phase 3, sell 70%, then move forward with final plat on Phase 4.

Erik Stromberg moved to approve the preliminary plat on nineteen (19) lots of the Carriage Crossing Subdivision Phase 3 and 4 for Carriage Crossing Grantsville, LLC. Gary Pinkham seconded the motion. The voting was unanimous in the affirmative and the motion carried.

6. Approval of minutes of the previous business meeting in April: Jaime Topham moved to approve the minutes of the April meeting. Erik Stromberg seconded the motion. All voted in favor and the minutes stood approved.

7. Report from Council Liaison Member Neil Critchlow: Councilman Critchlow stated they might want to look at changing the name of Cherry Street over by Ranch Road as it is confusing. He thanked the Commission for all they do and for attending the training.

8. Adjourn: Gary Pinkham moved to adjourn the meeting at 8:12 p.m. Erik Stromberg seconded the motion. All voted in favor and the meeting adjourned.

Jennifer Williams
Zoning Administrator